

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5533 of 2026

Arising Out of PS. Case No.-264 Year-2025 Thana- AMDABAD District- Katihar

1. Firoz Alam Son of Late Sarfuddin @ Md. Sarfuddin R/o Village - Jhabbu Tola, P.S. - Amdabad, Dist. - Katihar.
2. Jamil Akhtar @ Bishu Son of Late Mohsinul Alam @ Mosinul Alam R/o Village - Trimuhani Dhala, P.S. - Amdabad, Dist. - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-01-2026 Heard Mr. Rajeev Kumar Singh, learned counsel for the petitioner and Mr. Md. Mushtaque Alam, learned Additional Public Prosecutor for the State.

2. The petitioners seek bail, who are in custody since 31.10.2025 in connection with Amdabad P.S. Case No. 264 of 2025, F.I.R. dated 30.10.2025 for the offences punishable under Sections 316(2), 318(4), 336(3), 337, 339, 308(2), 61(2) and 3 (5) of the B.N.S. and Section 3/4 of the Prevention of Witch Craft Act.

3. According to prosecution case, the petitioners are alleged to have cheated twenty persons by showing their name in the FIR and demanded Rs. 50,000/- for deleting the same.



4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner have not committed any offence as alleged in the F.I.R. From a bare perusal of the F.I.R., it appears that the name of the petitioners have been transpired during investigation on the basis of disclosure made by other co-accused persons. It appears from the FIR that the petitioners have no role in the present occurrence and the petitioners have been made accused in the present case merely on the basis of suspicion and except the suspicion, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence and the co-accused person, namely, Laltu has been granted bail by learned court below itself and the police after investigation, submitted chargesheet against the petitioner and the petitioners are in custody since 31.10.2025.

5. Learned APP for the State have vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and also the fact that the petitioners have clean antecedent and



the name of the petitioners have been transpired during investigation on the basis of disclosure made by co-accused person, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Amdabad P.S. Case No. 264 of 2025, with the following conditions:

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioner have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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